

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JUANA SIERRA,

Plaintiff,

-against-

**NOTICE OF MOTION
FOR SUMMARY JUDGMENT**

THE CITY OF NEW YORK; NEW YORK CITY
DEPARTMENT OF BUILDINGS; PATRICIA J.
LANCASTER, in her capacity as COMMISSIONER OF
THE NEW YORK CITY DEPARTMENT OF
BUILDINGS; NEW YORK CITY DEPARTMENT OF
HOUSING PRESERVATION AND DEVELOPMENT;
SHAUN DONOVAN, in his capacity as
COMMISSIONER OF NEW YORK CITY
DEPARTMENT OF HOUSING PRESERVATION AND
DEVELOPMENT; and EMAD IBRAHEM,

No. 07 CV 6769 (JSR)

Defendants.

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PLEASE TAKE NOTICE that defendants the City of New York (“the City”), the New York City Department of Buildings (“DOB”), Patricia J. Lancaster, in her capacity as Commissioner of DOB, the New York City Department of Housing Preservation and Development (“HPD”), and Shaun Donovan, in his capacity as Commissioner of HPD, by their undersigned counsel, will move this Court before the Honorable Jed S. Rakoff, at the United States Courthouse located at 500 Pearl Street, New York, New York, on the 26th day of March, 2008, at 2:00 P.M., for an order:

- a) pursuant to Federal Rules of Civil Procedure, Rule 56(c), for summary judgment in favor of defendants, on the ground there is no genuine issue of

material fact and defendants are entitled to judgment as a matter of law in their favor, and

b) granting such other relief as may be appropriate.

This motion is based on this Notice of Motion, the Declaration of Jerald Horowitz, dated December 6, 2007, the Affidavits of Moon Wha Lee, sworn on January 2, 2008 and February 11, 2008, the Affidavit of Mario Ferrigno, sworn on August 16, 2007, the Affidavit of Frank Angilletta, sworn on August 14, 2007, Defendant's Memorandum of Law, dated August 20, 2007, the moving papers served by the plaintiffs for a preliminary injunction on or about August 1, 2007, and on the pleading and papers on file in this action.

Pursuant to the Court's March 5, 2008 order, response to this motion shall be filed by March 14, 2008.

Dated: New York, New York
March 7, 2008

MICHAEL A. CARDOZO
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City of New York
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By: /s/
Jerald Horowitz (JH 8395)
Assistant Corporation Counsel